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Subcommission on Prevention of
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of Minorities
Forty-seventh session
31 July - 25 August 1995
Item 16 of the provisional agenda

CONTEMPORARY FORMS OF SLAVERY

Note by the Secretariat

By a letter dated 3 July 1995 addressed to the Chairperson of the Subcommission on Prevention of Discrimination and Protection of Minorities, the Permanent Mission of the Kingdom of the Netherlands to the Office of the United Nations at Geneva requested that the following information be made available to the Subcommission at its forty-seventh session.

1. In the view of the Permanent Mission of the Kingdom of the Netherlands, the report of the Working Group on Contemporary Forms of Slavery on its twentieth session (E/CN.4/Sub.2/1995/28), which will be considered by the Subcommission on Prevention of Discrimination and Protection of Minorities at its forty-seventh session, requires some clarification. It has been noted that the statement made by the observer for the Netherlands in reply to questions raised by Mrs. Palley and Mrs. Warzazi concerning the Netherlands policies on prostitution has been summarized in a single sentence (para. 61 of the report) which does not provide an accurate and complete reflection of the intervention of the observer for the Netherlands.

2. In response to Mrs. Palley's first question, the observer for the Netherlands pointed out that the current Netherlands criminal law provisions on prostitution and procuring are considered outdated and that offenders are prosecuted only for coercive prostitution or exploitation of prostitution of children. Legislation is being prepared which aims at the abolition of the ban on brothels and on procuring and will authorize municipal authorities to issue licences and thus to enable them to exercise a more effective control of exploitation of prostitution which is detrimental to the interests of public order and public health. However, coercive prostitution and exploitation of child prostitution will remain criminal offences and will carry more severe punishment than under the current legislation.

3. With reference to Mrs. Palley's second question, the observer for the Netherlands informed the Working Group that under Netherlands legislation traffic in persons for the purpose of prostitution is a criminal offence. The instruments of the aliens legislation (and in future the above-mentioned policy of issuance of licences) make it possible to take measures against exploitation of prostitutes residing illegally in the Netherlands. The observer for the Netherlands gave an outline of existing guidelines for the police aimed at protection of victims of traffic in persons and of activities of private organizations aimed at rehabilitating illegal prostitutes and assisting them in their return to their countries of origin.

4. In reply to Mrs. Warzazi's question (para. 62 of the report), the observer for the Netherlands referred to the assistance provided to prostitutes by municipal public health agencies and he informed the Working Group that the Netherlands authorities expect the above-mentioned abolition of the ban on brothels to increase the effectiveness of measures in the field of public health.

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Subcommission on Prevention of
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Forty-seventh session
Items 13 and 18 of the provisional agenda

ELIMINATION OF ALL FORMS OF INTOLERANCE AND DISCRIMINATION BASED ON RELIGION OR BELIEF

PROTECTION OF MINORITIES

Note verbale dated 9 June 1995 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Subcommission on Prevention of Discrimination and Protection of Minorities

The Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office and other international organizations at Geneva transmitted the document of the Government of the Federal Republic of Yugoslavia entitled "Memorandum on the status of the members of Yugoslav national minorities in the Republic of Albania" and requested the circulation of the above-mentioned document as an official document at the forty-seventh session of the Subcommission, under agenda items 13 and 18.

GE.95-13077 (E)

MEMORANDUM

on the status of the members of Yugoslav national minorities in the Republic of Albania

I

The Federal Republic of Yugoslavia considers that respect for the rights of national minorities living in the Balkan countries is the crucial factor of confidence and the process of establishing goodneighbourly relations, peace and stability in the region. This position, reiterated by the highest representatives of the Federal Republic of Yugoslavia on many occasions, has particular weight in the Balkans, plagued with many legacies of its burdensome past.

The Federal Republic of Yugoslavia is guided by the same principles in its approach both to the rights of parts of its peoples living in the territories of neighbouring countries and the rights of parts of neighbouring peoples living in the Yugoslav territory. Proceeding from this approach, the Federal Republic of Yugoslavia displays legitimate interest in the Yugoslav national minorities living in neighbouring countries and recognizes the same right to neighbouring countries whose national minorities live in Yugoslavia.

Convinced that these rights belong among the foundation-stones of our civilization, the Federal Republic of Yugoslavia wishes to draw attention to the existence of Yugoslav minorities in the Republic of Albania and the violation of their basic human rights and the rights to the preservation of their national and cultural identity.

II

1. Forty-five thousand Serbs, Montenegrins and Goranci live in the Republic of Albania as members of Yugoslav national minorities.

There are about 20,000 Serbs and Montenegrins (Vracani and Podgoricani); about 1,500 of them Orthodox Christians, the others Muslims. The majority of Serbs and Montenegrins live around Shkoder where their "Rozafa-Moraca" Association has 12,000 members.

Goranci, who practise Islam, are Slavs and Orthodox Christians by origin, speak Serbian, and maintain certain Orthodox traditions. They inhabit the regions around Kukes and other regions in Albania to which they have been forcibly resettled during the entire post-war period in order to be more easily assimilated. They number 25,000 people, borne out also by the representatives of their association "Zelena Gora" ("Green Forest").

In practice, Albania does not recognize the existence of Yugoslav national minorities. The 1989 Albanian census officially "established" that ONE HUNDRED Serbs and Montenegrins lived in Albania, which is a "statistical genocide" of sorts testifying to the policy aimed at drastically reducing the number of members of Yugoslav national minorities in Albania.

Albania's double standard policy towards the minority question is evinced by its attempt to internationalize the question of the status of the Albanian minority in the Federal Republic of Yugoslavia and its continued encouragement of separatism in the Yugoslav Autonomous Province of Kosovo and Metohija, while it continues to deny the existence of Yugoslav national minorities in Albania and of their basic human rights and fundamental freedoms.

2. The members of Yugoslav national minorities in Albania are denied the possibility to use their mother tongue in education, culture, information, publishing activities and in proceedings before State organs. There are no elementary and secondary schools in Albania with Serbian as the language of tuition in which Yugoslav minorities' children would be taught the history, culture, customs, traditions and life of their mother nation. On 10 February 1991, the Association of Serbs and Montenegrins "Suzivot i Sloga" ("Coexistence and Harmony") submitted a request to the Albanian Ministry of Education for a Serbian school at Vraka, but received no official reply. The request was justified also in view of the fact that the Serbian population in the Albanian territory had had one of the oldest schools in the Balkans established in Shkoder in 1828, much before the Albanian State itself was established in 1912, and closed down by the Albanian authorities in 1933.

There are no publications, newspapers or television programmes in Serbian in Albania. There is no library with books and publications from Yugoslavia. Serbian is not in official use in any of the municipalities in which members of the Yugoslav national minorities live.

The only exception is the 15-minute propaganda programme broadcast in Serbian twice a day by Radio Tirana for foreign listeners. The same programme is broadcast also in other languages (English, French, Italian, Greek, Turkish, etc.) and is not intended to inform Yugoslav national minorities in Albania.

3. Ever since 1945, the Yugoslav national minorities have been the target of continued assimilation, denationalization and resettlement and deprived of the possibility to freely express their national, ethnic and cultural identity.

Although no discriminatory law from the time of Enver Hoxha* is now in force, the previous practice of putting systematic pressure on minority members and the denial of their legal rights is being introduced all over again. The process of returning old Serbian family names, previously replaced by Albanian ones under duress, has been stopped, travel documents and IDs are obtained with great difficulties (their issuance is conditioned by retention of Albanian names), while active and prominent members of Yugoslav national minorities, particularly the Serbs and Montenegrins in the Shkoder region, are exposed to ever more frequent police harassment (they are taken for informative talks, tailed or have their cars searched).

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* 1. Decree on the Prohibition of Religion (1967).
2. Decree on the Change of Personal Names (1975).
3. Decree on the Change of Geographical Names with Religious Content (1975).
4. Decree on the Change of Topographic Names (1966).

Albania has not abandoned its policy of breaking up the ethnic homogeneity of Yugoslav national minorities in the territories in which they have lived for centuries. This it does by redrawing administrative units of its territory or by forcing people to exchange land. In 1992, for instance, the authorities established the communes of Sistavec and Zapud by adding the Albanian villages of Novoselo, i.e. Belje, and Nimce, to the Goranci villages breaking in that way the Goranci ethnic compactness. Similarly, the Vraka region, inhabited by members of the Yugoslav national minorities, was attached to the newly established district of Velika Malesija inhabited exclusively by Albanians, most of them Catholics. The attempted forcible exchange of land at Vraka on 6 and 8 June 1994 speaks volumes in this regard, even though it was temporarily abandoned after a Yugoslav intercession with international institutions and determined resistance by the local population.

The members of Yugoslav national minorities are organized in three associations whose work is shackled by many administrative problems. One of them is that only "Rozafa-Moraca" is registered with the central authorities, while the two others, "Suzivot i Sloga" and "Zelena Gora", are registered with the district authorities of Shkoder and Vraka. Regional registrations of these associations are aimed at narrowing the purview of their work which is further shackled by the continued refusal of the authorities to provide the "Suzivot i Sloga" association adequate premises. Ethnic discrimination in Albania is illustrated also by the case of the "Sv. Jovan Vladimir" Orthodox Brotherhood; after much prevarication, the authorities finally promised to register the Brotherhood but only after it threatened to go before the OSCE representatives in Albania and ask for the protection of their rights.

All these facts provide ample evidence of the violation of Albania's own constitutional and legal systems, international law and the commitments Albania has undertaken with respect to the protection of minorities.

4. The position of the Yugoslav national minorities is difficult and does not ensure them the conditions in which the majority Albanian population lives. Despite its legal obligations and commitments to treat all its citizens equally, Albania is seriously discriminating against the Yugoslav national minorities, whose members are dismissed from all government institutions (the military and police in particular) and have no access to ranking managerial posts in the economy or to positions of power even in local government in the regions in which they are the majority population.

The Yugoslav national minorities do not enjoy even those rights otherwise granted to other national minorities. So, for instance, despite occasional attempts to restrict its rights as well, the Greek national minority enjoys much broader rights and is much more adequately represented in the administration, legislature and the judiciary, while the local government in the regions in which it is the majority population is in its hands. The difference in the level of rights enjoyed by the Greek and the Yugoslav national minorities is very evident in the field of education: the Greek national minority has its own elementary and secondary schools in the Greek language in a number of districts and the Pedagogical Academy in Gjirokastro, preparing students to teach in this language.

5. Serbian churches and cemeteries are being destroyed or turned into establishments for other purposes. In 1964, the Church of St. Aleksandar Nevski in Shkoder was demolished and an officers' clubhouse was built on its site, while most of the church books and other religious items were moved to the nearby Catholic Franciscan church and their fate has remained unknown until the present day. The Church of St. Archangel Mihailo in Shkoder was demolished in 1967 and a children's hospital was built in its stead. The Church of the Holy Trinity in Vraka was transformed into a community centre in 1968 and served that function until 1991. The roof, woodwork and other usable parts of the church have been taken away, so that only ruined stone walls remain today.

This deliberate vandalism is designed to deprive the Yugoslav national minorities of the last vestiges of their spirituality and culture.

Very much of the same design is the destruction of other cultural and historical monuments and graveyards. The tombs of the old Serbian kings of Zeta were destroyed to erase the traces of the existence of the Serbian medieval State in these lands, just as was the old Serbian military cemetery in Shkoder, with graves of Serbian and Montenegrin soldiers from the Balkan wars and the First World War. The same fate befell the old Orthodox cemetery in Shkoder which had had the Cyrillic inscription "Serbian Orthodox Cemetery - 1900" on its entrance gate.

6. Proceeding from its legitimate interest in the status of the Yugoslav national minorities, the Government of the Federal Republic of Yugoslavia submitted a pro memoria to the Albanian side in 1990, drawing its attention to their difficult situation. In May 1991 the Yugoslav side proposed to the Albanian side in a note verbale to discuss a whole range of questions relating to the immigration and regulation of the property, legal and other problems of the members of Yugoslav national minorities in Albania. No reply has ever been received to this note, while the pro memoria was assessed as "immaterial", in blatant disregard of dialogue and the lack of readiness to take any action to improve the status of the Yugoslav national minorities in Albania and respect of their rights.

III

These violations of the basic human rights and fundamental freedoms of the Yugoslav national minorities in Albania are carried out in flagrant disregard of basic documents of the United Nations, OSCE and the Council of Europe and the democratic changes that did take place in the political and social life of Albania have brought no improvement in the status of national minorities in Albania.

Proceeding from these facts, the Federal Republic of Yugoslavia feels duty-bound to call on the international community to assist and support it in ensuring the basic human rights and fundamental freedoms to members of the Yugoslav national minorities in Albania.

The Federal Republic of Yugoslavia expects the competent institutions of the United Nations, OSCE and the Council of Europe to remind the Albanian Government of its international commitments in this field and to request

from it to ensure and guarantee the protection of basic human rights and fundamental freedoms of the members of Yugoslav national minorities provided for by international instruments.

The Federal Republic of Yugoslavia expects the Republic of Albania to guarantee the members of Yugoslav national minorities their status and the exercise of their rights, in accordance with international standards in this field, so as to enable them to preserve their national and cultural identity.

The Federal Republic of Yugoslavia is prepared to cooperate with the Republic of Albania in the realization of these goals and contribute in this way to confidence-building and the development of closer cooperation between the two countries. Treating this problem with full responsibility and good will, the Federal Republic of Yugoslavia expects that the Republic of Albania will take the same approach.